

Notice of Allowability

Application No.

09/961,121

Examiner

Frances P. Oropeza

Applicant(s)

LEVINE, PAUL A.

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/19/04.
2. ☒ The allowed claim(s) is/are 1-40.
3. ☒ The drawings filed on 20 September 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

ALLOWANCE

Restriction

1. The Applicant requested the Examiner reconsider the restriction in light of the amendments to the claims. The Examiner's review of the restriction finds claims 41-56 are properly removed from consideration being drawn to an invention that is independent or distinct from the invention originally claimed.
2. Claim 41-56 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7/19/04. In the reply of 7/19/04 the Applicant requested the restriction be reconsidered based on the amendments to the claims. The Applicant did not specifically traverse the restriction, hence the election is deemed to be made without traverse in the Remarks filed 7/19/04.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In claim 1, line 3, "the" before "sinus" has been deleted.

In claim 1, line 3, "the" before "ectopic" has been deleted.

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In claim 1, line 9, "threshold" has been deleted and --thresholds-- has been inserted.

In claim 1, line 10, "threshold" has been deleted and --thresholds-- has been inserted.

In claim 3, line 4, "or" has been deleted and --and-- has been inserted.

In claim 28, line 3, "the" before "sinus" has been deleted.

In claim 28, line 3, "the" before "ectopic" has been deleted.

In claim 28, line 11, "threshold" before "of the sinus events" has been deleted and --thresholds-- has been inserted.

In claim 28, line 11, "threshold" before "of the ectopic events" has been deleted and --thresholds-- has been inserted.

In claim 30, line 4, "or" has been deleted and --and-- has been inserted.

In claim 35, line 3, "the" before "sinus" has been deleted.

In claim 35, line 3, "the" before "ectopic" has been deleted.

In claim 35, line 11, "threshold" before "of the sinus events" has been deleted and --thresholds-- has been inserted.

In claim 35, line 11, "threshold" before "of the ectopic events" has been deleted and --thresholds-- has been inserted.

In claim 37, line 4, "or" has been deleted and --and-- has been inserted.

Claims 41-56 have been cancelled as being drawn to a non-elected invention per the non-traverse response in the Remarks filed 7/19/04.

Conclusion


Any inquiry concerning this or earlier communications from the Examiner should be directed to Fran Oropeza whose telephone number is (703) 605-4355. The Examiner can normally be reached on Monday – Friday from 9 a.m. to 5:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Angela D. Sykes can be reached on (703) 308-5181. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communication and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist at telephone number is (703) 308-0858.

Frances P. Oropeza
Patent Examiner
Art Unit 3762

FPO
10/14/04


JEFFREY R. JASTRZAB
PRIMARY EXAMINER
10/14/04